

STATE OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
BOARD OF REGISTERED NURSING

DATE: June 13-14, 2002

TIME: 9:00 AM both days

LOCATION: Radisson Hotel Sacramento
500 Leisure Lane
Sacramento, CA 95815

PRESENT: LaFrancine Tate, Vice President
Thomas Kravis, MD
Dan C Weitzman, Public Member

NOT PRESENT: Sharon Ecker, RN

ALSO PRESENT: Ruth Ann Terry, MPH, RN, Executive Officer
Susan Brank, Assistant Executive Officer
Heidi Goodman, Manager, Licensee & Administrative Services
Louisa Gomez, Manager, Licensing Standards & Evaluation; Advanced Practice
Elliot Hochberg, Manager, Enforcement Program
Kathy Meyer, Manager, Diversion Program
Maria Bedroni, EdD, MN, RN, NP, Supervising NEC
Louise Bailey, MEd, RN, Supervising NEC
Katie Daugherty, MN, RN, NEC
Janette Wackerly, MBA, RN, NEC
Kay Weinkam, MS, RN, CNS, NEC
Grace Arndt, MSN, RN, NEC
Miyo Minato, MN, RN, NEC
Albert Balingit, Legal Counsel
Ellen Jibben, Recording Secretary

Thursday, June 13, 2002

The Disciplinary Hearings originally scheduled for June 13, 2002 were cancelled.
Due to a delay in appointment of Board Members to the Board, the Board did not have a quorum, as required by the Business & Professions Code Section 2712.

Friday, June 14, 2002

F. Tate, Board Vice President, called the meeting to order at 9:15 am and had the Board members introduce themselves.

3.0 OPEN FORUM

Louise Timmer, EdD, RN
Co-Coordinator for IMPAC addressed the Board.

4.0 APPROVE / NOT APPROVE MINUTES Of April 18-19, 2002

Action deferred to the September Board meeting.

5.0 REPORT ON BOARD MEMBERS' ACTIVITIES

Nothing to report from any of the members present.

6.0 EXECUTIVE OFFICERS' REPORT ON BOARD AND DEPARTMENT ACTIVITIES

R. Terry presented this report.

1.0 Budget Update

Assembly and Senate Budget Hearing Updates – The Board's budget for FY 2002/03 was approved during the Senate Budget Hearing on April 22, 2002. During this hearing Senator Polanco requested the Board loan an additional \$5 million to the General Fund, which would bring the total Board loan to \$10 million for the General Fund. The Assembly Budget Hearing held on April 16, 2002, approved the Board's Budget; however, it reconvened on May 8, 2002 to establish if the Board's fund condition could provide the additional \$5 million loan to the General Fund. It concurred with the Senate's proposal to borrow \$10 million from the Board. The Department of Finance (DOF), DCA, and the Board will monitor the Board's fund condition. It is anticipated that the Board's reserve will drop to a 3.3 months reserve by the end of FY 2002/03.

2.0 Hiring Freeze Exemptions

The Board's request for hiring freeze exemptions to fill 9 vacancies to support the Nursing Workforce Initiative are pending at DOF. In the Governor's May Revise for FY 2002/03 all state offices are involved in a drill to identify 5% of their authorized positions that could be eliminated during FY 2003/04.

3.0 DCA Update

eGovernment Update – The Department of General Services received the national Trailblazer 2002 award for the online eLicensing System. By August, this system will begin accepting online RN endorsement applications and credit card payments from nurses coming into California from other States. During August the online licensing system will be renamed iLicensing and will be more flexible and user friendly. DGS has announced that the proposed pilot project with DCA to build a "back-end" licensing system to complete the online licensing services will be delayed until next Fiscal Year.

Professional Licensing Management Licensing System (PLEMS) – DCA has contracted with Renee Taylor Consulting, Inc. to conduct a Business Process Analysis (BPA) to define all Board's operational steps for a new computer system design. On June 18th the vendor will provide an overview to the program managers and staff on how they will proceed with this assignment. The Board is slated to begin the BPA in mid-September and the entire BPA should be completed in January 2003. In the meantime DCA has developed a Request for Proposal (RFP) to hire a consultant to perform an Informal Market Analysis. This Market Analysis will obtain cost and strategic information for implementing a PLEMS. Additionally, it will establish whether or not there is an existing licensing and enforcement system that could fulfill DCA's business requirements.

Sexual Harassment Training – DCA is committed to providing its employees a work environment free of discrimination and has been providing mandatory Non-Discrimination, Sexual Harassment Prevention, Disability and Diversity training for all rank and file employees. All BRN employees and managers have completed the training.

Small Business and Disabled Veteran Enterprise – DCA is committed to the Governor’s request to have 5 percent of all contracts awarded to Small Business and 3 percent of all contracts awarded to Disabled Veteran Enterprises. The Board has been actively pursuing this mandate in its purchasing and issuing of contracts this fiscal year. During the fall 2002, a Small Business Summit will be held in Southern California.

Office of Privacy Protection – Since identity theft is on the rise, Joanne McNabb, Chief of this unit, is developing a survey to determine where critical data resides with Boards and the practices that are used to maintain the confidentiality of this information.

Conferences – The California Consumer Affairs Association Annual Conference co-sponsored by DCA will be held October 9 – 11, 2002, at the Hilton Hotel in Sacramento. Attorney General Bill Lockyer will be the keynote speaker. The Citizen Advocacy Center Annual Conference co-sponsored by DCA will be held November 13-15, 2002 at the Holiday Inn Golden Gateway in San Francisco.

4.0 Security Lapse

Computers at the Teale Data Center, which are used to provide information on employee payroll deductions, were illegally accessed. The information on these computers contains social security numbers, employee’s names and deduction information. There is no indication the information contained in the deduction data files were targeted or used for any unlawful purposes. DCA’s Office of Privacy Protection provided two informational meetings on how an individual can protect against fraud and identity theft. Additionally, the State provided the names and phones numbers to the three credit reporting companies and employees are able to request their credit report at no charge.

5.0 Contract and Procurement Ceilings

Governor Davis has issued Executive Order D-55-02, effective May 20, 2002, that restricts the execution of contracts and procurements that are greater than \$100,000 and not competitively bid until a review of the state’s contracting and procurement process is conducted. DCA is waiting for the guidelines from the Department of General Services.

6.0 Regulation Package Updates

Two regulation packages are moving forward in the regulatory process. California Code of Regulation (CCR) 1435, Citation and Fines was submitted to Office of Administrative Law (OAL) on May 7th. The Notice was published on May 24, 2002, and the public hearing is scheduled for July 10, 2002, at 10:00 AM in the Board’s office, 400 R Street, Suite 4030, Sacramento, CA 95814. The second regulation package is CCR 1444.5, Disciplinary Guidelines. This package was submitted on May 21st. The Notice was published on May 31, 2002. The public hearing is scheduled for July 17, 2002, at 10:00 AM in the Board’s Sacramento Office.

7.0 REPORT OF THE ADMINISTRATIVE COMMITTEE

S. Erickson, Chairperson

7.1 Information Only: Update on Nurse Workforce Initiative

S. Brank presented this report

A full report was attached regarding the Governor’s Nurse Workforce Initiative and activities that have occurred to date.

7.2 Approve/Not Approve: Preliminary Sunset Report

G. Nibbs presented this report

An overview of the draft was read for the members present and staff.

The Sunset Report is due to JSLRC before September 1, 2002. The Administration Committee will review and approve the final report to be submitted.

7.3 Information Only: Board of Registered Nursing Committee Appointments

R. Terry presented this report

Action deferred to September Board meeting.

8.0 REPORT OF THE EDUCATION/LICENSING COMMITTEE

, Chairperson

8.1 Approve/Not Approve: Education/Licensing Committee Recommendations

G. Arndt presented this report

The Education/Licensing Committee approved the following:

Continue Approval of Nursing Education Programs

- Golden West College Associate Degree Nursing Program
- Mt Saint Mary's College Associate Degree Nursing Program
- San Diego City College Associate Degree Nursing Program

Continue Approval of Advanced Practice Nursing Education Program

- University of California Los Angeles Nurse Practitioner Program
- University of California Los Angeles Nurse Midwifery Program

Defer Action on Continuing Approval of Nursing Education Program

- Victor Valley College Associate Degree Nursing Program

Action deferred to the September Board meeting

8.2 Ratify Minor Curriculum Revisions

G. Arndt presented this report

The following programs have submitted minor curriculum revisions that have been approved by the NECS and by the Education/Licensing Committee:

- Humboldt State University BSN
- Bakersfield College Associate Degree Nursing Program
- College of the Sequoias Associate Degree Nursing Program
- Los Angeles Harbor College Associate Degree Nursing Program
- Modesto Junior College Associate Degree Nursing Program
- Western University of Health Sciences Nurse Practitioner Program

8.3 Approve/Not Approve: Posting of NCLEX-RN Pass Rates on BRN Web Site

G. Arndt presented this report

The Board of Registered Nursing (BRN) has received numerous inquiries regarding the passing NCLEX-RN rates of California nursing programs. Currently, the Board's policy has been to direct the caller to the specific school. Since the National Council of State Boards of Nursing is now reporting scores as pass-fail, the BRN will place NCLEX-RN results on the Board's Web Site to facilitate consumers making informed decisions.

It important to point out that the Board does not rank nursing programs according to their pass rates nor does the Board believe that the a program's record of NCLEX-RN pass rates is the only reason for choosing one nursing program over another.

A summary of the NCLEX-RN pass-rates for each program will be posted on the web site; BRN staff will determine the actual form and timing of the posting.

The Education/Licensing Committee did recommend at their May 10, 2002 meeting that the pass rates be placed on the BRN website. Staff was delegated to proceed with the posting of the pass rates.

8.4 Information Only: a) NCLEX Update b) Virtual University Enterprise (VUE) – Update c) Annual Report Survey

a) NCLEX Update

The Board of Registered Nursing receives quarterly reports from the National Council of State Boards of Nursing (NCSBN) about the NCLEX-RN test results by quarter and with an annual perspective. The following tables show this information for 12 months and by each quarter.

NCLEX RESULTS – FIRST TIME CANDIDATES April 1, 2001 – March 31, 2002

JURISDICTION	TOTAL TAKING TEST	PERCENT PASSED %
California	4,910	83.58
United States and Territories	68,269	85.90

CALIFORNIA NCLEX RESULTS – FIRST TIME CANDIDATES By Quarters and Year – April 1, 2001 – March 31, 2002

04/01/01 – 06/30/01		07/01/01 – 09/0/01		10/01/01 – 12/31/01		01/01/02 – 03/31/02		04/01/01 – 03/31/02	
# cand.	% pass	# cand.	% pass	# cand.	% pass	# cand.	% pass	# cand.	% pass
742	79.25	2,393	86.25	649	73.81	1,126	86.41	4,910	83.58

The Nursing Education Consultants monitor the NCLEX results of their assigned programs. Current procedure provides that after each academic year, if there is substandard performance (below 70% pass rate for first time candidates), the NEC requests that the program director submit a report outlining the program's action plan to address this substandard performance. Should this substandard performance continue in the second academic year, an interim visit is scheduled and a written report is submitted to the Education/Licensing Committee. If there is no improvement in the next quarter, a full approval visit is

scheduled within six months. A report is made to the Education /Licensing Committee following the full approval visit.

b) Virtual University Enterprise (VUE) – Update

Effective October 1, 2002, VUE replaces the Chauncey Group and Prometric Testing Centers as the vendor responsible for administering the NCLEX-RN and NCLEX-VN/PN licensing exams. As previously stated, the psychometric examination parameters will remain the same with the new test service. In preparation for this change, VUE finished Alpha testing on January 15, 2002 and Beta testing on April 5, 2002.

Beta phase examination testing took place from March 1 – April 5, 2002. A total of 229 California RN exam candidates took the actual RN licensing exam at one of the five California VUE/Pearson test sites (Anaheim, Fresno, Oakland, Pasadena, Roseville).

Nationwide, a total of 853 participated in VUE Beta testing from 20 member board U.S. jurisdictions. Although the actual number of participants was less than the original 2,000 candidates targeted for Beta testing, NCSBN and VUE indicate final Beta exam numbers were sufficient to adequately test all aspects of VUE system and processes.

Up to and including August 15, 2002, candidates will register for the NCLEX examination through the Chauncey Group and take the exam at a Prometric Test Center through September 30, 2002, provided the candidate schedules an exam appointment with Prometric by September 27, 2002.

Beginning August 16, 2002, exam candidates will begin registering for the exam with only VUE. VUE will be offering candidates three ways (mail, telephone, or Internet – www.vue.com/nclex) to register for the examination.

VUE is also in the process of completing construction of 8 additional California Pearson Professional Test Centers. By October 1, 2002, California is expected to have a total of 13 testing centers throughout the state. Depending on location, seating capacity will range from 8-30, and 7 of the 13 sites will have a seating capacity of 15.

c) Annual School Survey Report

All pre-licensure registered nursing programs in California are required to submit a completed Annual Report survey each fall. The time period covered in the survey is from August 1 through July 31. In addition, demographic information is provided for the arbitrary date of October 15 each year. The individual school data is then compiled into a statewide aggregate database.

The directory of prelicensure programs is compiled and made available to the public. The demographic information assists the Board to determine the current status, trends and future direction of nursing education in California. The survey this year includes statistical data for two regional areas, northern California and southern California as well as the aggregate data for the entire state. The northern programs are schools north of Fresno and the southern programs include all programs south of Bakersfield and San Luis Obispo. This year's survey form continues with the same format used since the 1998-1999 Survey.

The 2000-2001 Annual School Report was attached.

9.0 REPORT OF THE LEGISLATIVE COMMITTEE

F. Tate, Chairperson

9.1 Adopt/Modify: Positions on Bills of Interest to the Board

L. Bailey presented this report

AB 481	Firebaugh: Pupil Health
AB 1140	Thomson: Nursing: Practice Status
AB 2314	Thomson: Nursing Education
SB 1493	Alpert: Nursing Education: Nursing Shortage Project
SB 1558	Figueroa: Dangerous Drug or Dangerous Device Samples
SB 1642	Soto: Nutrition
SB 2008	Spier: Nursing: Assumption Program for Education Loans
SB 2024	Figueroa: State Employees: Vacant Positions
SB 2059	Figueroa: Professions and Vocations

Action deferred to the September Board meeting.

10.0 REPORT OF THE DIVERSION/DISCIPLINE COMMITTEE

, Chairperson

10.1 Information Only: Enforcement Program Update and Statistics

E. Hochberg presented this report

The Enforcement Program statistics for the first ten months of fiscal year 2001-2002 (July 2001 through April 2002) were attached.

The number of disciplinary actions for the first ten months of this fiscal year exceeds the previous fiscal year's total actions. This fiscal year is now projected to have a 30% increase over the last fiscal year (from 190 to 247).

Based on estimates of decisions pending Board vote, and disciplinary actions effective in April and May that are not part of these statistics, the projected number of 247 disciplinary actions will be met.

For the last half of the fiscal year, it has been necessary to work with the Attorney General's (AG's) Office to prioritize activity due to budget constraints. The AG has lifted these constraints in May due to careful fiscal oversight. Therefore, accusation and settlement activity is expected to increase again for the end of the fiscal year.

10.2 Information Only: Diversion Program Update and Statistics

K. Meyer presented this report

There are currently five vacancies out of sixty-five positions on the Diversion Evaluation Committees. Recruitment and interviews for vacancies continue.

On May 3, 2002, the Diversion Program Manager was interviewed by KGO-TV, San Francisco. The interview was included in a segment they did regarding health professionals and chemical dependency. A good portion of the footage used for this report was obtained through a nurse support group. The segment aired on May 8, 2002.

The Diversion Program's Statistical Summary Report for February and March 2002 was attached. Recent statistics indicate that the ER and Med/Surg were the most common specialty of nurses entering the Program. As of March 31, 2002 there were 888 successful completions and as of March 19, 2002 there were 398 participants. Staff will continue to monitor statistics and report on significant trends.

10.3 Information Only: Return to Work Task Force

K. Meyer presented this report

At the April 10, 2002 Diversion Liaison Committee (DLC) meeting, it was recommended that a task force be established to develop guidelines regarding the length of time nurses should be suspended from practice once they enter the Diversion Program. The task force was approved at the May 10, 2002 meeting of the Diversion Discipline Committee. DLC members will be notified and five members will be selected to participate on the task force. Case managers from MHN will also be invited to participate. It is anticipated that the task force will need to meet two times. The first meeting will be planned for September 2002.

10.4 (a) Approve/Not Approve: Diversion Evaluation Committee Member Appointments (b) Information Only: Diversion Evaluation Committee Term Expirations, Resignations, and Transfers

In accordance with Section 2770.2 (B&P), the Board of Registered Nursing is responsible for appointing persons to serve on the Diversion Evaluation Committee(s) of its Diversion Program. Each Committee is composed of three registered nurses, a physician and a public member with expertise in chemical dependency or mental health.

APPOINTMENTS:

Below are the names of one registered nurse and one physician who are being recommended for appointment to Diversion Evaluation Committees. Both were interviewed and appear very qualified to hold positions as DEC members. If appointed, their terms will expire in 2006.

<u>NAME</u>	<u>TITLE</u>	<u>DEC</u>
Sandra Cleveland	RN	#5, Central Valley
Ramon Edgar Vera	Physician	#5, Central Valley*

*If approved this appointment will take effect upon the expiration of the current physician committee member's term expiration on June 30, 2002.

TERM EXPIRATIONS:

Below are the names of five Diversion Evaluation Committee members whose terms will expire on June 30, 2002. These DEC members' efforts were recognized with a certificate and letter of appreciation on behalf of the Board.

<u>NAME</u>	<u>TITLE</u>	<u>DEC</u>
Mary Reeve	RN	#1, Sacramento
Martha Morrell	RN	#1, Los Angeles
Jacob Samler	Physician	#5, Central Valley
Bruce Wagman	Public	#11, North Coast
Carolyn K. Holmes	RN	#12, North Central

RESIGNATIONS:

<u>NAME</u>	<u>TITLE</u>	<u>DEC</u>
Steven Ey	Physician	#6, Palm Springs
Isaiah Crompton	Public	#8, Burbank

TRANSFER:

<u>NAME</u>	<u>TITLE</u>	<u>DEC</u>
Don Kurth	Physician	From Ontario #9 to Palm Springs #6

Action deferred to the September Board meeting.

11.0 REPORT OF THE NURSING PRACTICE COMMITTEE

Sharon Ecker, RN, Chairperson

11.1 Approve/Not Approve: Advisory Statement: Performance of Botox Injections for Treatment of Wrinkles by the RN

J. Wackerly presented this report

Due to the ever-increasing popularity of Botox Cosmetic injections for "frown lines," calls addressing RN scope of practice for Botox injection are received almost daily. Recently the Food and Drug Administration approved Allergan Pharmaceuticals drug Botox® Cosmetic for "frown lines," injections.

Mechanism of Action:

Botox® Cosmetic when injected intramuscularly at therapeutic doses produces partial chemical denervation of the muscle resulting in localized reduction in muscle activity.

The committee recommends that the advisory statement support that RNs have legal ability to perform intramuscular injections of pharmaceuticals, B&P 2725(2). The RN is required to have successfully completed education and training in the administration of Botox® Cosmetic through supervised experience to gain validated competence in the treatment.

Action deferred to the September Board meeting.

11.2 Approve/Not Approve: Advisory Statement: Frequently Asked Questions About RN Scope of Practice

J. Wackerly presented this report

In an effort to provide the public and RNs with Web site information, Frequently Asked Questions About RN Scope of Practice will become an added feature to the BRN Web site. The submitted questions and answers about RN scope of practice include telephone questions and questions/answers that have appeared in the BRN report. It is planned by BRN staff to continuously update the question and answer Web site for RN practice. As these updates become available, they will be brought before the Practice Committee.

Action deferred to the September Board meeting.

11.3 Information Only: Update to Advisory Statement: Frequently Asked Questions Regarding Nurse Practitioner Practice

J. Wackerly presented this report

The Update to Nurse Practitioners Questions and Answers Incorporates Three Existing Advisory Statements.

- Nurse Practitioners And Nurse Midwives Supervision Of Medical Assistants.
- Nurse Practitioners And Certified Nurse Midwives Treating The Patient And Now Their Partners For Chlamydia.
- Nurse Practitioners Cosign Workers' Compensation Claimant Report.

12.0 Agenda Items for Future Meetings

13.0 Open Forum

Louise Timmer gave the Board an update on the IMPAC report.

Meeting adjourned at 10:10AM.

Ruth Ann Terry, MPH, RN
Executive Officer

LaFrancine Tate
Vice President